

REMARKS

Claims 16 and 21 have been amended. Claims 16-21 remain pending in the application.

Examiner Interview

The courtesy of the Examiner in conducting an interview with Applicants' undersigned attorney is greatly appreciated. The substance of the interview is believed adequately set forth in the interview summary issued by the Examiner at the conclusion of the interview and in the remarks which follow.

Drawings

In discussing the Amendment filed March 11, 2009, the Examiner noted that the measuring means for measuring the reaction between a sample and a reagent extracted and dispensed from a reagent bottle was added to claim 1 but that a measuring means was not specifically disclosed in any of the drawings. As Applicants' attorney pointed out, the measuring means is disclosed in the specification at page 3, lines 16 and 17. Accordingly, by this amendment, Applicants are requesting that Fig. 1 be amended to show a measuring means in the form of a photometer which is identified by the numeral 9A.

The Examiner further pointed out that the openings in the reagent bottle 3 identified in Fig. 1 were not identified by a numeral. Accordingly, Applicants have requested that Fig. 1 be further amended to add the numeral 3A to identify the openings in the reagent bottle 3.

It is respectfully requested that these amendments to Fig. 1 of the drawing be approved.

Specification

The specification has been amended on page 5 to identify the plurality of openings in the reagent bottle 3 by the numeral 3A and to further define the measuring means as a photometer identified by the numeral 9A.

It is submitted that these amendments do not add new matter and therefore should be approved.

Patentability of the Claims

As discussed with the Examiner, a significant aspect of Applicants' invention is the use of a piercing tool 6 for piercing a puncturable seal member closing an opening 3A in a reagent bottle 3. The piercing tool is normally stored in a container or a stripper 2 and when it is desired to attach the piercing tool to the nozzle, the nozzle is moved over above the piercing tool which has a hollow end and the nozzle is lowered down into the interior of the piercing tool, whereupon a lever mounted on the piercing tool locks the piercing tool to the nozzle. When piercing of a seal member is completed, the nozzle with the piercing tool attached is moved back to a position above the container or stripper and the nozzle is then lowered so that the piercing tool is unlocked from the nozzle and held in the container while the nozzle is removed by being moved upwardly. Importantly, the piercing tool is defined as

having a pointed needle at an opposite end from the open end with the needle having no opening therein.

In contrast, the main reference relied upon by the Examiner, Long U.S. Patent 5,200,151, does not include any piercing tool but only uses a plurality of disposable nozzle tips 70 which are attached to the end of a dispensing nozzle in order to prevent a sample and a reagent from mixing with other samples and reagents during the sucking operation of the dispensing nozzle. As was pointed out during the interview, the disposable pipette tip 70 of Long has a hole in the bottom through which liquid can be extracted or dispensed. Applicants' piercing tool has a needle at its piercing with no opening in the needle.

As discussed with the Examiner, claim 16 has further been amended to describe the reagent bottle as having at least one opening for extracting a reagent contained therein and to define the piercing tool as being attached to the nozzle for piercing the puncturable seal member.

As further discussed with the Examiner, claim 21 has been amended to define the seal of at least one reagent bottle as having a recess therein to be engaged with the slideable guide tube for positioning the opposite end of the piercing tool accurately relative to the reagent bottle.

As the Examiner noted in the interview summary "the amendments appear to define over the prior art" and the Examiner agreed to consider Applicants' arguments which are submitted with this supplemental amendment.

Accordingly, it is submitted that amended claims 16-21 are patentable.

CONCLUSION

In view of the foregoing amendments and remarks, the Applicants request reconsideration of the rejection and allowance of the claims.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Mattingly & Malur, P.C., Deposit Account No. 50-1417 (referencing attorney docket no. KAS-192).

Respectfully submitted,

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